



Land Use Authority

76 North Main Street, Kanab, Utah 84741

(435) 644-4966 or (435) 644-4951

planning@kane.utah.gov

REQUIREMENTS AND PROCEDURES FOR A PLATTED UNIMPROVED SUBDIVISION

The following are the requirements and procedures to obtain approval for a Platted Unimproved Subdivision under Kane County Land Use Ordinance 9-21M.

- 1) Submit an application (attached below) and pay a fee of \$500.00 for engineering review to the Land Use Administrator with the following documentation:
 - i. (2) Copies of 24' X 36" Plat Map
 - ii. (13) Copies of 11" X 17" Plat Maps for Planning Commission
 - iii. Signed "Agreement of Understanding"
 - iv. Documentation that shows the requirements of numbers 2 and 3 below.
 - v. Electronic version of Plat (PDF)
- 2) The applicant shall submit documentation that shows that: a. All of the land contained in the application was subdivided prior to January 1st, 2009; b. The act of subdivision was done by a person who is not the applicant or among the applicants, or by persons, none of whom are the applicant or among the applicants; and c. the act of subdividing was done in any manner that did not fully comply with State Code and County Ordinance in effect at the time of the act.
- 3) The application shall contain each and every lot or parcel of land owned by the applicant or applicants which resulted from the illegal subdivision of the same original piece of land. The original piece of land shall have been in compliance with all applicable State and County subdivision regulations before the illegal subdivision. This subsection shall not prohibit the approval of an application solely because there were multiple acts of illegal subdivision on the same original piece of land that occurred at different times.
- 4) The application shall not include any portion of land previously approved under Article M, Article K or Article L, or that is or was already part of an approved platted subdivision as shown by the records in the County Recorder's Office.
- 5) Each lot or parcel in the application shall be accessible by an appropriate (minimum 28 foot) dedicated easement or right-of-way.
- 6) The plat shall have a name for the subdivision that includes the words "Platted Unimproved Subdivision" which is distinct from all other recorded subdivisions in the County Recorder's Office.

- 7) The size, shape and location of the proposed lots as shown on the proposed plat may be different than the size, shape and location of the land as it was illegally subdivided prior to January 1st, 2009, except that no lot shall be reduced in size if it is already smaller than ten acres and no lot shall be reduced to a size smaller than ten acres. Furthermore, the total number of proposed lots on the plat may be the same or less but shall not be greater than the number of lots created by the act of illegal subdivision prior to January 1st, 2009.
- 8) The application shall not be inconsistent with the County General plan.
- 9) Each existing easement (either by dedication or by prescriptive use) providing access to surrounding subservient properties shall be preserved and dedicated on the plat. Upon permission from the owner of the subservient lot, these existing easements may be realigned.
- 10) Any public right-of-way or utility easement (either by dedication or by prescriptive use) existing on the land contained in the application shall be preserved and dedicated on the plat.
- 11) Each existing and newly created access road or easement shall have a name for address purposes that is distinct from other road or easement names located in Kane County as approved by the Address Administrator.
- 12) The applicant shall submit an agreement of understanding with the Kane County Commission that in unincorporated areas of the County, dedicated roads will not be accepted, improved or maintained by the County, until the subdivision complies with Articles A through J of this Chapter, specifically including the width of the easement and the condition of the road.
- 13) If the application contains agricultural land in agricultural use as defined in Utah State Code § 59-2-502 (FAA) (as amended) the applicant is not required but is encouraged to meet with the County Assessor to review how this application may affect the tax status of the land in the application.
- 14) Sign and notarize the “Agreement of Understanding” (attached below)
- 15) Submit application no later than 21 days prior to the monthly Planning Commission/Land use Authority meeting.
- 16) The Land Use Administrator will conduct a review of the application and submit the Plat to the County Engineer for review. You will be notified of any problems with the application.
- 17) After the application has been approved by the Land Use Administrator and the County Engineer it will be scheduled on the next regular meeting of the County Land Use Authority for review and recommendation to the County Commission. It is highly recommended that the applicant or their authorized agent be present at the Land Use Authority meeting. Telephonic appearance is acceptable if prior arrangements are made.
- 18) After the Land Use Authority makes their recommendation the application will be forwarded to the County Commission for final review and approval at their next regularly scheduled meeting

- 19) If approved the Plat will be signed by all the appropriate parties and then will be ready for recording.
- 20) A Platted Unimproved Subdivision with a recorded approved plat shall be considered in compliance with the land use ordinance as of the date of recording.
- 21) A building permit shall not be denied on the basis that a lot or parcel is part of a Platted Unimproved Subdivision, approved under this Article.
- 22) A lot or parcel approved under this Article shall not be restricted from being sold or offered for sale under KCC 9-21A-6 and 9-21B-4.



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Date Received: _____

Check Number: _____

Received By: _____

APPLICATION FOR PLATTED UNIMPROVED SUBDIVISION

Owner/Applicant _____ Phone: _____

Address _____ Fax: _____

City _____ State _____ Zip _____

E-Mail _____

Registered Engineer or Surveyor: _____

Address _____ Fax _____

City _____ State _____ Zip _____

Email _____

Name of Subdivision: _____

Location and Legal Description: _____

Number of Lots _____ Minimum Lot Size _____

Attached Documents:

Plat Map: Y N

Agreement of Understanding: Y N

Documentation of Previous Division:

Divided Prior to Jan 1, 2009: Y N

Divided by other than applicant: Y N

Divided in Non-Compliant manner: Y N

Contains all land owned by Applicant: Y N

Additional Comments: _____

I HEREBY CERTIFY THE ABOVE INFORMATION TO BE TRUE AND ACCURATE

Signature: _____

Printed Name: _____

Land Use Administrator Use Only:

Existing Zone _____

Zone Change Required: Y N

General Plan Compliance: Y N

Previously Divided under Article KLM: Y N

Land Use Ordinance Compliance: Y N

Engineer Review:

Plat Map: Approved Denied

Easements: Approved or Denied

Planning Commission Action:

Approved Denied

Planning Commission Chairman _____ Date : _____

AGREEMENT OF UNDERSTANDING

STATE OF UTAH)
 :SS
COUNTY OF KANE)

I, _____, the applicant of a Platted Unimproved Subdivision named _____, hereby agree and take notice that under Kane County Land Use Ordinance 9-21M-2(12) in unincorporated areas of the County, dedicated roads will not be accepted, paved or maintained by the County, until the subdivision complies with Articles A through J of Chapter 21 of the Kane County Land Use Ordinance.

Date: _____

Signature: _____

Printed Name: _____

SUBSCRIBED AND SWORN TO before me on _____.

NOTARY PUBLIC